FORT POINT DOWNTOWN WATERFRONT

MUNICIPAL HARBOR PLAN

A MUNICIPAL HARBOR PLAN OF THE CITY OF BOSTON

PHASE II
SUPPLEMENT

CITY OF BOSTON
Thomas M. Menino
Mayor

Boston Redevelopment Authority
Mark Maloney
Director

prepared by:
ICON architecture, inc.

JANUARY 2004

February 18, 2004

Secretary Ellen Roy Herzfelder, Secretary
Executive Office of Environmental Affairs
Commonwealth of Massachusetts
251 Causeway Street, 9th floor
Boston, MA 02114

Dear Secretary Herzfelder:

Enclosed please find a supplement to Phase II of the proposed Municipal Harbor Plan (MHP) for the Fort Point Downtown Waterfront. The MHP was submitted in September 2003 for your approval pursuant to 301 CMR 23.00. The MHP Supplement responds to the Office of Coastal Zone Management's and Department of Environmental Protection's requests during the consultation session for clarification and additional details related to the MHP.

We look forward to the expeditious processing of Phase II of this Municipal Harbor Plan. Please call me at (617) 918-4323 if you should have any further questions.

Very truly yours,

Richard E. McGuinness
Senior Waterfront Planner

Enclosure

cc:
Thomas Skinner, Coastal Zone Management
Steve Mague, Coastal Zone Management
Bill Gaughn, Department of Environmental Protection
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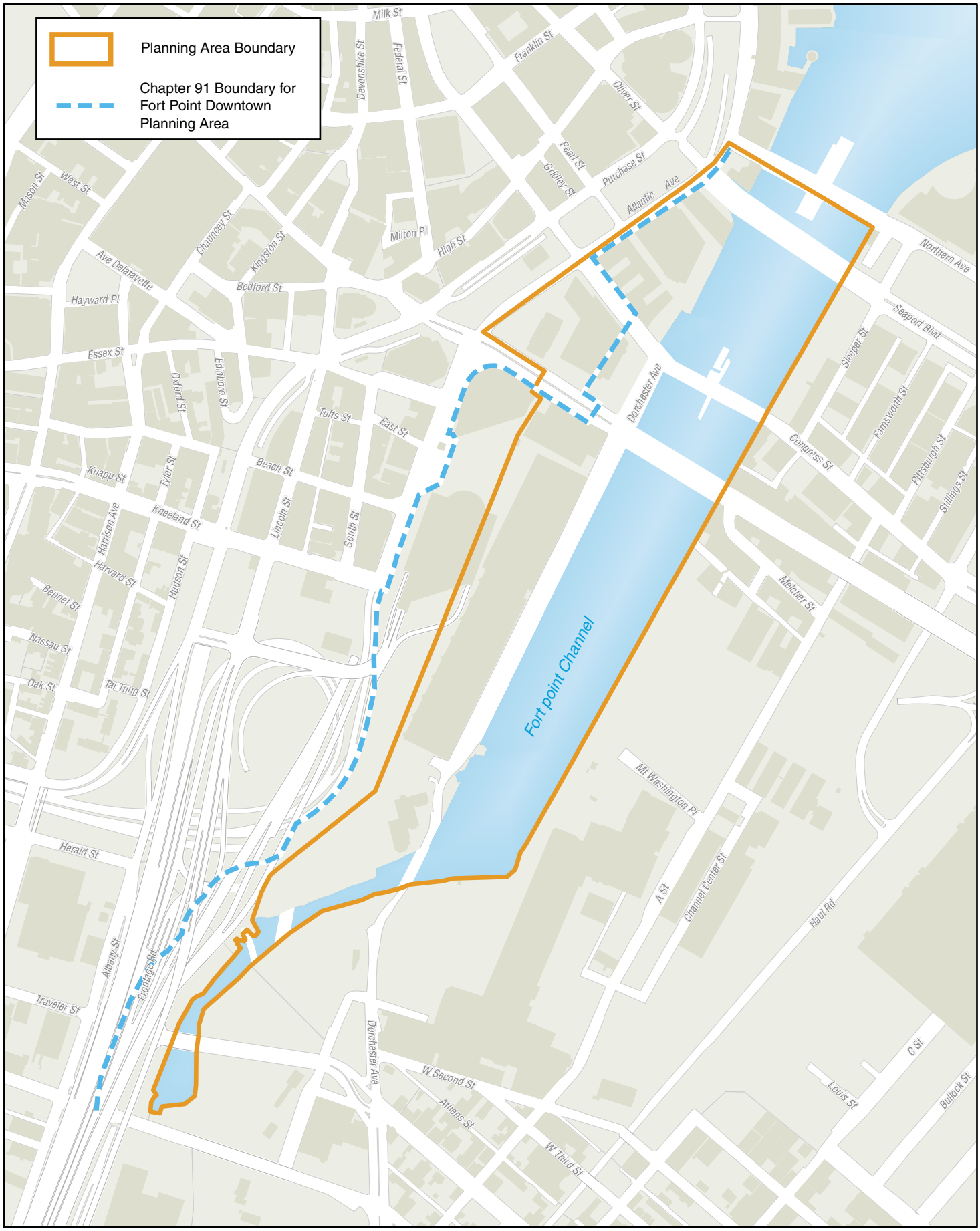
David M. Peters, Department of Fisheries, Wildlife and Environmental Law Enforcement
Peter C. Webber, Department of Conservation and Recreation
Richard Henderson, Massachusetts Port Authority
Antonia Pollak, City of Boston Environment Department
Sgt. Robert Guiney, Boston Harbormaster
Councilor James Kelly, Boston City Council
Councilor Paul Scapicchio, Boston City Council

Section Break



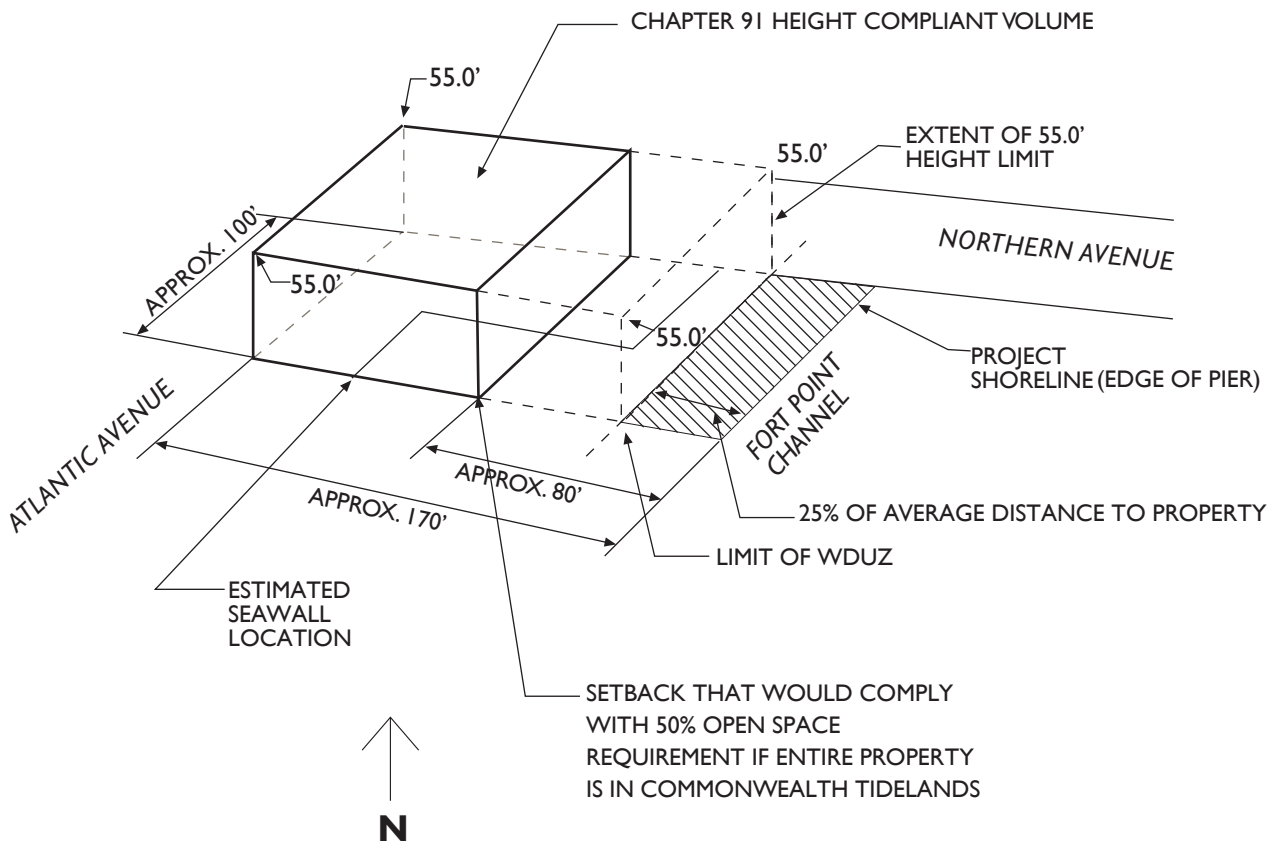
Boston Redevelopment Authority

0 200 400 600 *Feet*

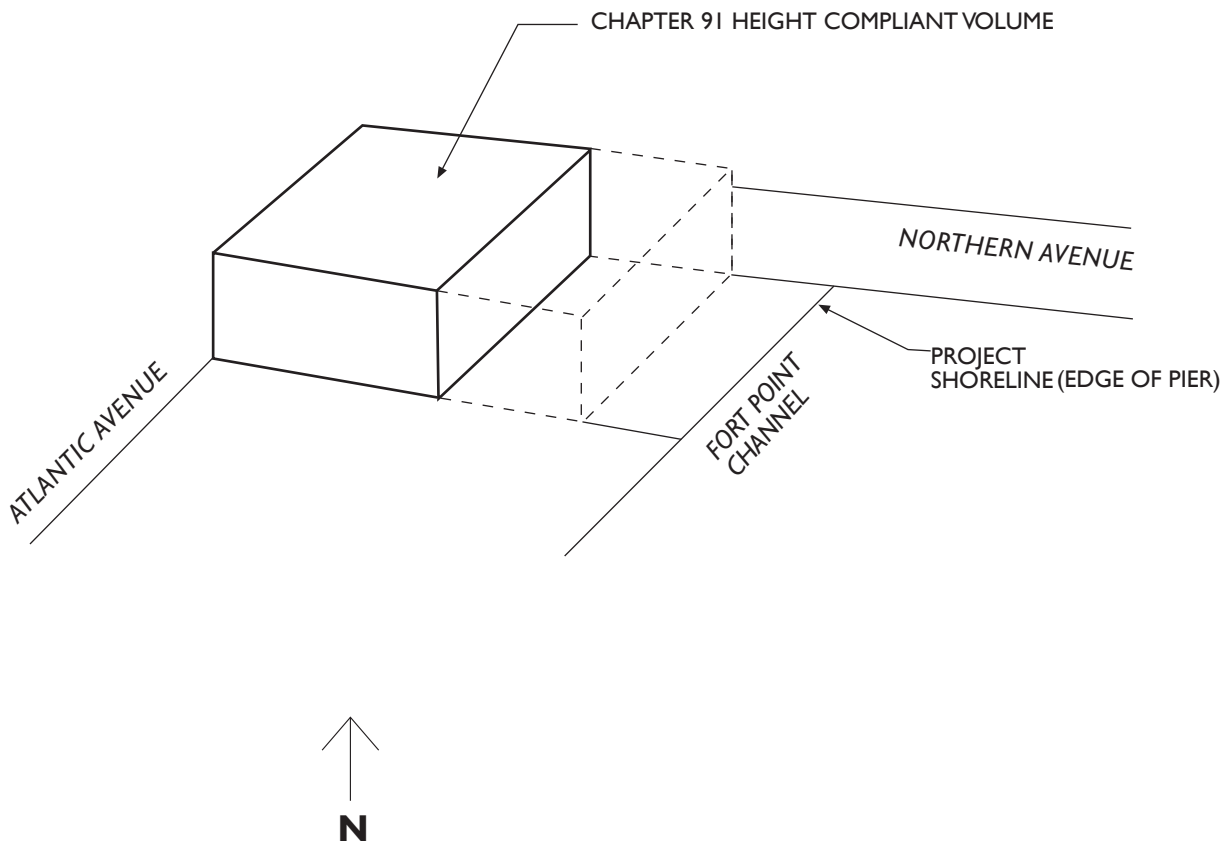
Revised Figure 1-2

The Chapter 91 boundary has been estimated for planning purposes, based on best available information and any regulations and administrative guidelines for historic tideland delineation set forth by DEP.

Section Break



HOOK LOBSTER CHAPTER 91 HEIGHT COMPLIANT VOLUME



HOOK LOBSTER CHAPTER 91 HEIGHT COMPLIANT VOLUME

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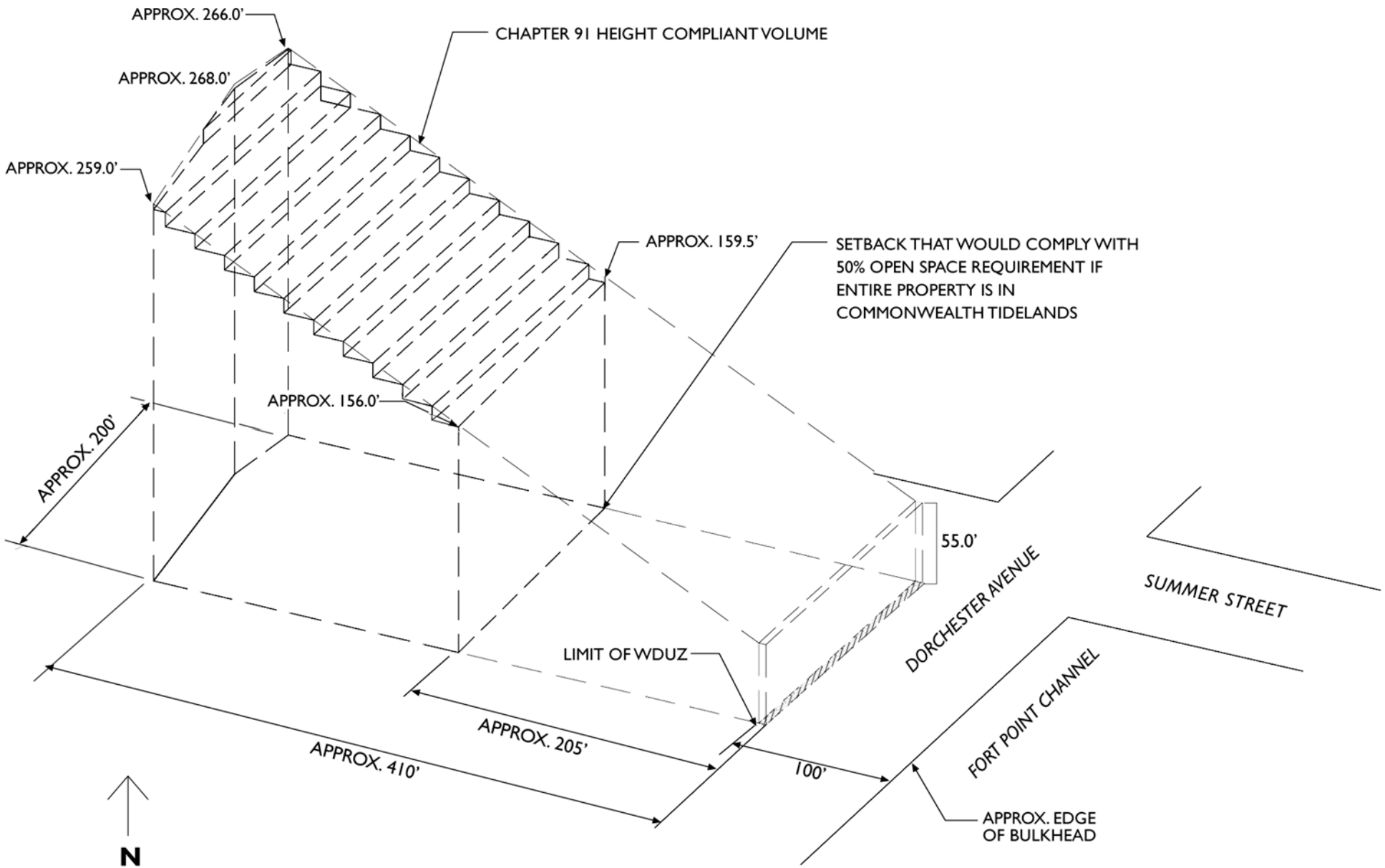
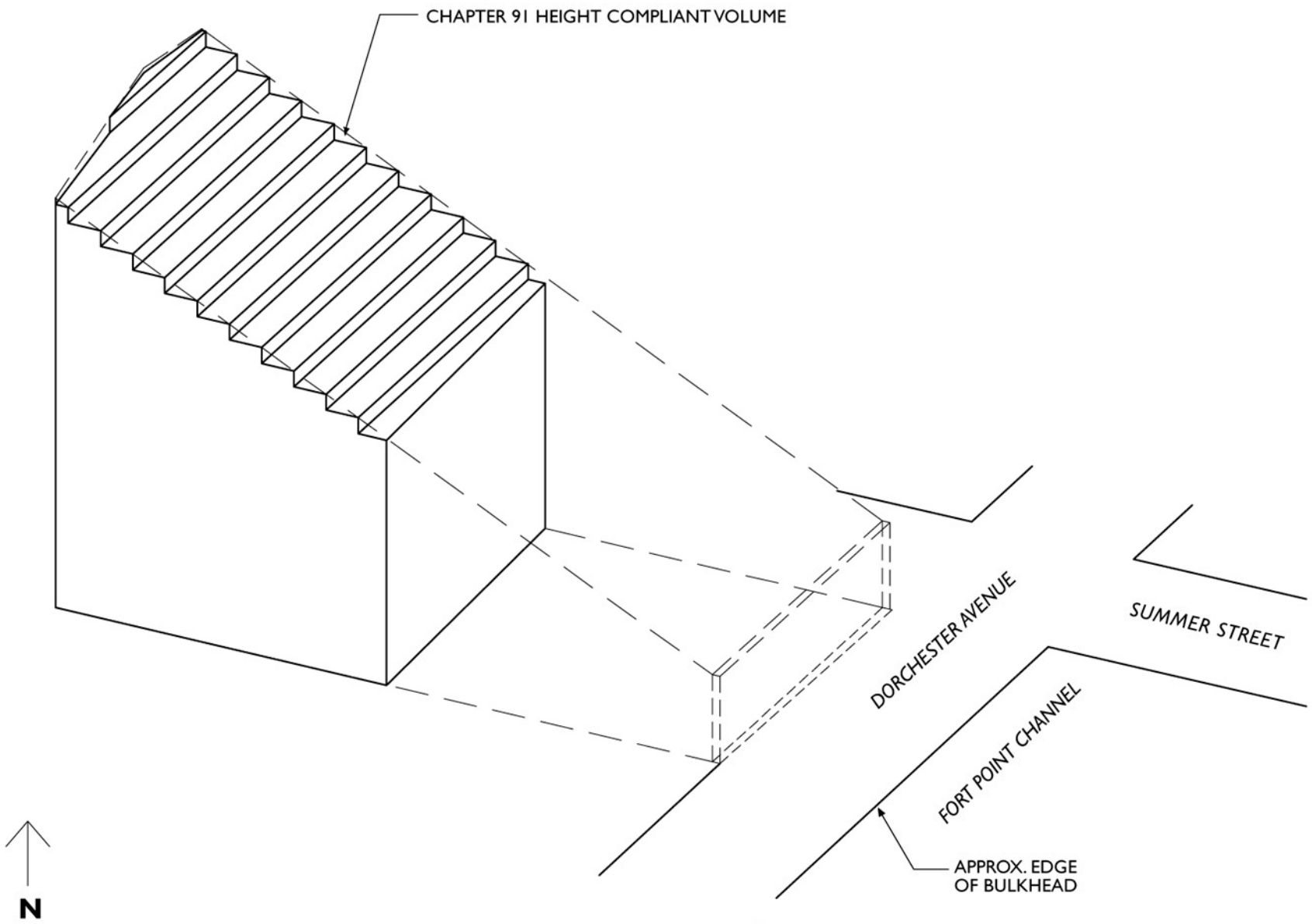


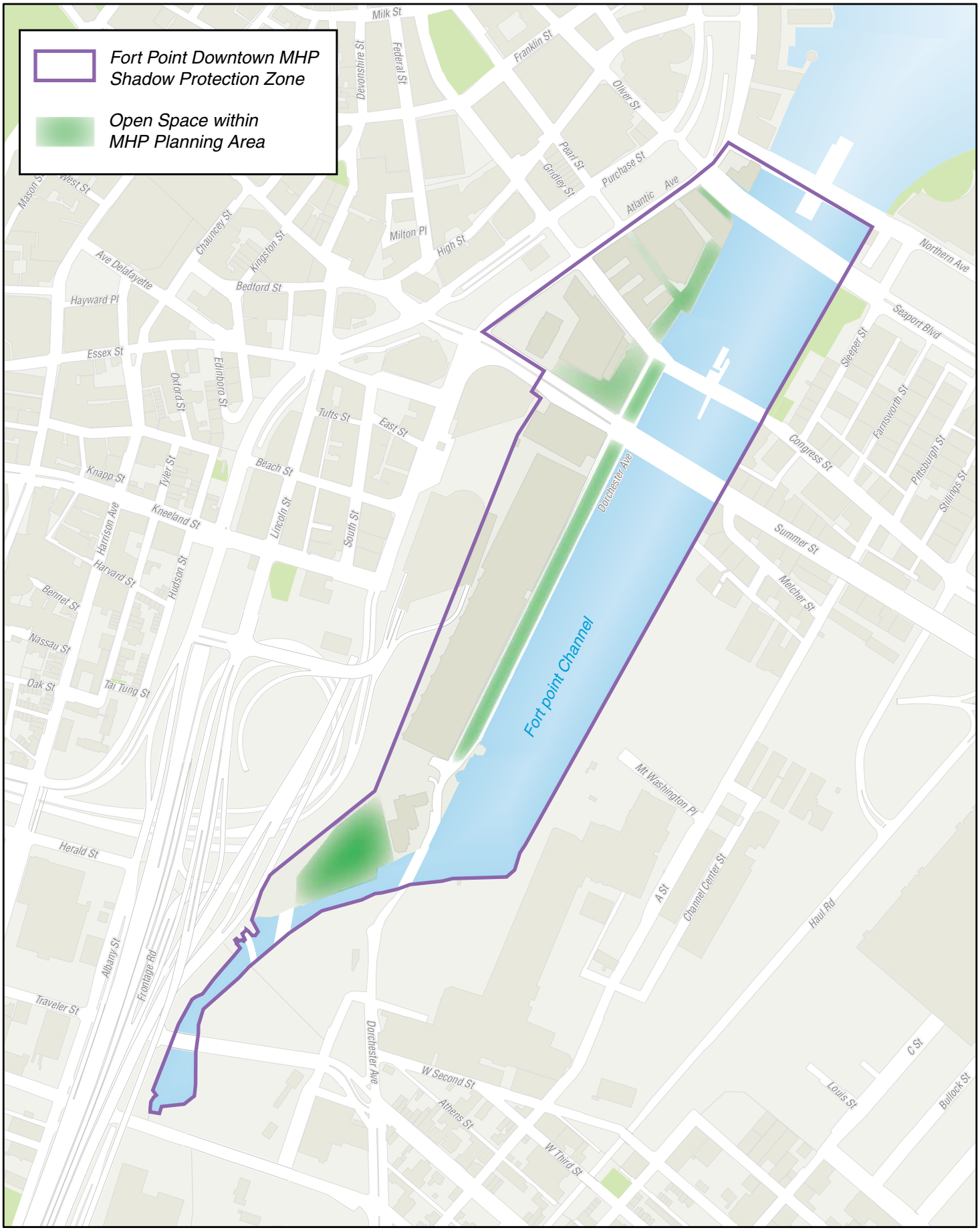
245 SUMMER STREET CHAPTER 91 HEIGHT COMPLIANT VOLUME



245 SUMMER STREET CHAPTER 91 HEIGHT COMPLIANT VOLUME

VOLUME = APPROX. 8,965,552 CU. FT.

Section Break



Note: Shadow Protection Zone includes
- Watersheet
- Harborwalk
- Open space subject to Chapter 91

Figure 10-6

Section Break

Net New Shadow
Approximate Limits of Chapter 91 Jurisdiction Based on Boston Municipal Harbor Plans
Approximate Limits of the Shadow Protection Zone

Figure 11B-25

Russia Wharf
Shadow Studies

4 PM - October 23

Net New Shadows (Proposed minus Chapter 91), with Shadow Protection Zone Overlay

Prepared by:
The Cecil Group

Section Break

11.8.5 Russia Wharf Offsets

Municipal Harbor Plan Ground Level Tidelands Policy Objectives

301 CMR 23.05 (2) (c)

I Public Access Network :

A. Policy: 310 CMR 9.52(1)(b)

301 23.05 (2) (c) 6
governing the provision of a pedestrian access network, the plan may specify a minimum walkway width other than ten feet provided that the alternate width is appropriate given, among other things, the size and configuration of the water-dependent use zone and the nature and extent of water-dependent activity and public uses that may be accommodated therein;

B. Substitution:
The MHP proposes a substitution throughout the Fort Point Downtown Municipal Harbor Plan Area to provide for a twelve-foot wide Harborwalk, rather than a ten-foot wide Harborwalk.

C. Analysis:
The Russia Wharf Redevelopment Project meets and exceeds this substitution. In the context of its Waterways Amnesty License proceeding, Equity Office granted to the Massachusetts Highway Department a fifteen-foot easement for public access over the site's Harborwalk. In addition, the Redevelopment Project will provide an even broader open space area for public activation of the waterfront between the Harborwalk and the proposed first floor level restaurant and hotel facilities, on the area now used as a parking lot.

II Water-Dependent Use Zone (WDUZ):

A. Policy: 310 CMR 9.51(3)

301 23.05 (2) (c) 3
governing the establishment of the water-dependent use zone, the plan must specify alternative setback distances and other requirements that ensure that new or expanded buildings for nonwater-dependent use are not immediately adjacent to a project shoreline, in order that sufficient space along the water's edge will be devoted exclusively to water-dependent use and public access therewith, as appropriate for the harbor in question;

B. Substitution:
Reduce area of WDUZ by 2,700 square feet to accommodate preservation of historic Tufts Building.
Implement open space activation goals of *FPCWAP* by providing space for outdoor café and restaurant seating.
There are no new or expanded buildings proposed in the water-dependent use zone for Russia Wharf. A 2,700 sf section of the existing Tufts Building is located in the water-dependent use zone.

C. Analysis:
This substitution is proposed to allow for the preservation of the Tufts Building. The Tufts Building is part of the Russia Wharf National Register District. The BRA's numerous planning documents identify this type of wharf style architecture as a unique attraction for the public creating a setting unlike other areas of the city. The offsetting measure of historic interpretive signage and exhibits allow for multimedia interactive exhibits that explain the history of Russia Wharf. The offset will provide for a quality of exhibits that surpasses signage typically required for waterfront projects. The historic character and the

informative exhibits will promote public access to and enjoyment of the water-dependent use zone and discourage privatization of Commonwealth Tidelands.

The secondary ramping system provides additional access down to the public landing provided at Russia Wharf and 500 Atlantic Avenue. Primary access to the watersheet will be provided at the water transportation terminal at 500 Atlantic Avenue. The secondary ramping system will activate the sufficiently sized water-dependent use zone by attracting pedestrian traffic along Congress Street to the public maritime facilities provided at Russia Wharf.

III Lot Coverage and Open Space:

A. Policy: 310 CMR 9.51(3)(d)

301 23.05 (2) (c) 3
governing the combined footprint of certain buildings, the plan must specify alternative site coverage ratios and other requirements that ensure that, in general, buildings for non-water dependent use will be relatively condensed in footprint, in order that an amount of open space commensurate with that occupied by such buildings will be available to accommodate water-dependent activity and public access associated therewith, as appropriate for the harbor in question;

B. Substitution:

Site Area Landward of Project Shoreline: 86,440 sf

Open Space
Ch. 91 50% of Area: 43,220 sf

Preferred Alternative: approximately 21,000 sf

C. Analysis:

This substitution is proposed to allow for the preservation of the Russia Wharf buildings (Russia Building, Graphic Arts Building and Tufts Building). Russia Wharf is a National Register District. The BRA's numerous planning documents identify this type of wharf style architecture as a unique attraction for the public creating a setting unlike other areas of the city. Preservation of Russia Wharf outweighs the Ch. 91 requirement for open space. Russia Wharf along with other historic buildings and structures along the Fort Point Channel comprise a unique architectural district that reflect Boston's maritime and industrial history. Historic districts are destinations that attract the public to public amenities protected by Ch. 91. The offsetting measures have been carefully crafted to balance the preservation of Russia Wharf with the tidelands policy objectives for public open space. Financial contribution to the Children's Wharf Park invests in a publicly owned park on the Fort Point Channel. The historic architectural character of the Fort Point Channel provides modest setbacks and opportunities for open space. As to $500,00 proposed to be dedicated to Children's Wharf Park, these funds will further advance the creation of public open space and special destinations along the Fort Point Channel.

The $400,000 dedicated to lighting of the Congress Street Bridge to highlight its architectural and mechanical details adds to the year-round destination value of the Fort Point Channel and attracting the public to the open space and Harborwalk at Russia Wharf and other properties along the Channel.

The proposed $500,000 program funding is another method of attracting the public to the benefits required by the waterways program. Free public programming will highlight the Fort Point Channel as a unique destination that will attract the public from all sections of the city. The programming will provide a year-round attraction for the public and also discourage privatization of Commonwealth Tidelands. In order that these funds be available for the entirety of the 99-year term requested for the Chapter 91 License, these funds should be placed in an endowment, with the return thereon disbursed to support this programming.

IV Height Limitations:

A. Policy: 310 CMR 9.51(3)(e)

301 23.05 (2) (c) 5

governing the height of certain buildings, the plan must specify alternative height limits and other requirements that ensure that, in general, new or expanded buildings for non-water dependent use will be relatively modest in size, in order that wind, shadow and other conditions of the ground level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor in question;

B. Substitution:

The Russia Wharf Redevelopment Project requires a substitution to permit the Project to have a height of 395 feet, as defined by the Boston Zoning Code.

C. Analysis:

The height substitution for the Russia Wharf Redevelopment Project is consistent with the area's urban context and City and State policies to encourage transit-oriented development. The Fort Point Downtown MHP Planning Area is located within Boston's Financial District, in addition to bordering the west side of the Fort Point Channel. The increased density proposed for this site allows for a mixture of office, hotel, residential, retail, and civic uses, meeting an important harbor planning goal of creating a vibrant year-round area along the waterfront. Moreover, locating development near major transportation hubs such as South Station decreases the need for reliance on vehicular traffic.

The environmental studies for the Russia Wharf Redevelopment Project have confirmed that the Project will have no significant adverse impact on the environment, and, in many aspects, will benefit the environment. The absence of net new shadow within the Fort Point Channel Shadow Protection Zone cast by the Project is depicted in Figure 11B-25. The very small area of net new shadow cast by the Project is outside of this Zone. The proposed offset is to require Russia Wharf Redevelopment Project to widen the Congress Street sidewalk along Russia Wharf. This offsetting measure for the minimal area of net new shadow increases publicly owned pedestrian open space by 4,800 square feet, and improves a critical pedestrian link from downtown Boston and the future Rose Kennedy Greenway, to the Fort Point Channel and the South Boston Waterfront District.

The Draft and Final Project Impact Report/Environmental Impact Report for the Russia Wharf Redevelopment Project demonstrate that wind conditions at the ground level environment remain conducive to water-dependent activity and public access, and comply with the BRA's wind condition regulatory standards. The studies performed for these reports confirm the absence of significant wind effects from the Project, when compared with the No-Build Condition, due to the shape of the existing and proposed buildings, their position, and the site's range of atmospheric conditions. Strategies to achieve this result include building setbacks and massing, configuration of canopies, and tree plantings. These studies also show that the pedestrian environment along the waterfront and MassHighway/500 Atlantic Access Way is not adversely affected by the Project, and, in fact, that the Project shifts wind effects from the No Build Condition in the Access Way further away from the waterfront and plaza areas.

Section Break

7. Watersheet Management Planning

7.1 Purpose and Overview

The purpose of this section is to establish a framework for a management plan and planning guidelines for watersheet activation. This chapter is for planning purposes and does not provide DEP with guidance in making decisions regarding use and development of tideland areas. The BRA on behalf of the City of Boston will continue to coordinate with regulators, abutters and the proposed Fort Point Channel Operations Board to formalize a Watersheet Management Plan that will provide guidance for management of landside and waterside components of the Watersheet Activation Plan. Included are various water transportation options, such as ferries and water taxis, as well as other complementary watersheet infrastructure elements to support and stimulate a vibrant mix of watersheet activities within the MHP planning area. The watersheet management plan will be a blueprint for implementation, phasing and ongoing administration of the watersheet activation plan elements described in **Chapter 5, The Fort Point Channel Watersheet Activation Plan**. The formation of a management and implementation plan also responds to issues and concerns articulated in the Notice to Proceed for the Municipal Harbor Plan process including coordination of uses proposed in the Watersheet Activation Plan with existing water-dependent uses and the proposed water transit terminal and service from 500 Atlantic Avenue.

It should be noted that the actual watersheet components of the activation and management plan framework are described in greater detail than the landside components since the water area between the Harbor Lines is now and will remain in public ownership, while much of the landside area is in private ownership.

The Watersheet Activation Management Plan is one critical element of the blueprint for the development of new uses and public structures that will make the Fort Point Channel a great civic space. New development will provide the funding for most of the components of the Watersheet Plan. The Watersheet Plan builds upon the extensive public investment of infrastructure in the Fort Point Channel area including the CA/T Project and the MBTA Transitway Project. The management plan framework identifies a range of responsibilities and actions for the coordinated efforts of the public and private sectors. The BRA on behalf of the City will initiate new regulatory and planning measures such as exemptions or revisions to the Harbor Line and establishment of new channels and fairways. The BRA will use the management plan and planning guidelines when reviewing projects subject to Article 80. The management plan will also provide guidance to DEP in making decisions regarding Chapter 91 licenses and establishing baseline requirements for water-related public benefits.

The inclusion of a watersheet management and implementation planning framework into Phases 1 and 2 of the *Fort Point Channel Municipal Harbor Plan* supports the BRA's efforts to implement the watersheet activation plans for the area. The management program is founded on the base articulated in the *Fort Point Channel Watersheet Activation Plan*, and further expands the recommendations of that plan where appropriate. The management plan is described in terms of the following sections:

1. Composite Watersheet Activation and Access Implementation Plans
2. Watersheet Activation Plan Guidelines and Component Framework
3. Watersheet Management Plan

7.1.1. Watersheet Activation Component Framework

The *Fort Point Channel Watersheet Activation Plan* includes various related landside and waterside infrastructure and use components that comprise the framework. The watersheet activation implementation plan is intended to provide a physical definition of the proposed use areas for all public and private watersheet activities as well as for related adjacent landside public realm and private activities. The elements proposed for the different action areas include use zones and guidelines as well as specific project elements. Watersheet activation implementation planning is divided into six interrelated waterside and landside activity groups:

- **Watersheet Public Uses (**such as recreational boating zones).
- **Watersheet Private Uses (**such as water intake and berthing/docking areas for water-dependent industries).
- **Watersheet Public Access (**such as water transportation docks and ferry services).
- **Landside Public Realm Uses** (such as public landing support facilities).
- **Landside Private Uses (**such as private vessel rental concession support facilities availableto the public).
- **Landside Public Access (**such as fishing and overlook platforms).

7.1.2. Watersheet Activation Action Plan Elements

The components of the Watersheet Activation Management Plan are described in terms of the above lists of elements allocated to specific watersheet activity areas. The activation elements are depicted graphically in two composite graphics: the Watersheet Activation Implementation Plan (**Figure 7.1**) and the Watersheet Access Plan (**Figure 7.2**).

Figure 7.1, Composite Watersheet Activation Implementation Plan

This composite plan includes the key activation elements from the individual watersheet and landside use plans that follow. The composite and area plans consist of the Seawall and Hub of the Channel Basin area plans from the 2002 *Fort Point Channel Watersheet Activation Plan* report. Included in the amplified composite plan shown in **Figure 7.1** are the following key activation elements:

- Watersheet Activation Impact Area;
- Delineation of proposed Harbor Line exemptions/modifications;
- Existing and proposed Harborwalk sections;
- Harborwalk links to Downtown, the Wharf District, South Boston Waterfront, and South Bay Trail;
- Vertical land/water circulation sites;
- Water-dependent business water intake protection zones;
- Water quality improvement program;
- Berths for visiting historic vessels and floating educational facilities;
- Interpretive water trail for excursion and self-guided boat trips connecting all basins;
- Landside parcels included in the Phase 2 Fort Point Downtown Municipal Harbor Plan;
- Watersheet view corridors to be preserved; and
- Water related performance venues and celebration areas.

Figure 7.2, Watersheet Access Implementation Plan

This composite plan includes the key elements from the individual watersheet and landside access plans following below. The composite access plans consist of the Seawall Basin and channel-wide area plans from the 2002 *Fort Point Channel Watersheet Activation Plan*, as well as the water transit components of the *Boston Inner Harbor Passenger Water Transportation* Plan as applicable or modified to reflect current conditions. Included in the plan shown in **Figure 7.2** are the following key access elements:

Watersheet Transit

- Navigable Watersheet;
- Navigable channel boundaries and proposed modifications, with guidelines to conform with Boston Harbor regulations;
- Definition of related fairways by basin and use guidelines to conform with Boston Harbor regulations;
- Modified Harbor Line boundaries and/or proposed exemptions to accommodate for floating water-dependent uses; and
- Navigation hazards for removal including obsolete utility and bridge structures, sunken vessels, pile fields and other obstacles.

Landside Access to Watersheet

- Water transit, water taxi, and public landing area locations;
- Inner Harbor shuttle and water taxi routes;
- Short term public landings and berth locations for visiting small boats and dinghies; and
- Existing and proposed Harborwalk sections, with links to Downtown and South Boston Waterfront, including completion of a sequence of basin loops;
- Public floating walkway locations and design guidelines;
- Landside transit terminals and bus routes;
- Excursion/trolley drop-off, bus/shuttle routes and stops, and taxi stands; and
- Public parking sites.

7.2. Watersheet Activation Plan Guidelines and Component Framework

7.2.1. Watersheet Activation Plan Goals and Guidelines

The watersheet uses and infrastructure described in this section are in response to the planning goals set forth in the *Fort Point Channel Watersheet Activation Plan*. The Channel goals include actions needed on both the watersheet and the landside.

Goals

The *FPCWAP*'s goals can be summarized and amplified as follows:

- Preserve and enhance existing water-dependent uses such as the Gillette Company, Hook Lobster, Neptune Marine Services, and the Boston Tea Party Ship & Museum.
- Enhance Fort Point Channel for a variety of existing and new water-dependent uses, such as water transportation, recreational boating, and as a safe haven for vessels during coastal storms.

- Activate the Channel and its edges by creating a special destination to attract the public and generate activity on a year-round basis.
- Enhance public access by land and by water from all Boston neighborhoods, and from the downtown and South Boston to the Fort Point Channel.
- Enhance the civic role of the Channel by connecting with other nearby public venues, including the Harborwalk, the planned Rose Kennedy Greenway, Massachusetts Horticulture Society's Garden Under Glass, South Station, Children's Wharf, Moakley
- Court House/Boston Harbor Islands Discovery Center, the new Convention Center, and the South Bay Harbor Trail.
- Create land and water connections to existing and planned open spaces within walking distance of the Channel.
- Preserve and enhance the historic character of the Channel including the historic seawalls, bridges, and the architecture of historic buildings and the Boston Wharf District.
- Establish strong connections between the Channel, the Harborwalk, and other downtown and South Boston Waterfront destinations.
- Develop a detailed and realistic implementation strategy for the Watersheet ActivationPlan.

Watersheet Activation Area Planning Guidelines
Planning guidelines are provided for both the watersheet as a whole as well as for the individual basin areas. The guidelines are highlighted as related to specific uses at the end of the following **Sections 7.2.2 to 7.2.4** under Recommended Actions.

Proposed Landside Public Realm Support Area Planning Guidelines

Activation of the watersheet will also require planning guidelines for supporting landside infrastructure and facilities. Such guidelines are highlighted as related to specific uses at the end of the following **Sections 7.2.5 to 7.2.8** under **Recommended Actions**.

7.2.2. Watersheet Public Uses (Figure 7.3)

Component Descriptions

The watersheet public uses and infrastructure needs include a wide range of activities and facilities available to the public by water and by land. These activities and categories can be broken down into two categories, permanent and temporary/seasonal.
Exemptions/modifications may be needed to such regulatory conditions as the location of the state maintained historic Harbor Line to allow for many of the permanent facilities.
Temporary and seasonal activities and facilities, including floating performance stages, may be authorized through yearly Harbormaster permits. The implementation plan would include such elements as:

- Harbor Line exemptions/modifications by basin to allow for additional variety and areas of public watersheet activities and uses to include:
    - Area limits of vessel floats and berthing.
    - Area limits of designated public floating marine infrastructure elements (such as
    - access ramping, educational and visiting vessel berths, small boat berthing and storage.
- Annual Harbormaster permits to allow for additional variety and areas of public watersheet activities and uses, including flexible use platforms for public art, floating performance stages, etc.
- Recreational boating areas would be designated for different vessel types for watersheet

areas including channels, fairways, and other zones between the seawalls. The Channel is one of the most protected tidal basins in the Inner Harbor and with very low exposure to wave and wake is well suited for small boating activities such as rowing, kayaking, and dinghy sail boating, particularly in the Seawall Basin. Specific basin areas can be made available for such activities by well thought-out placement of channels, fairways and Harbor Line limits.

  - Designated recreational boating areas would be limited to non-powered, selfpropelled small vessels such as kayaks, rowing boats, canoes, paddleboats, etc.
  - Jet skis, jet boards and other powered personal watercraft would not be permitted in any basin for safety and environmental purposes.
  - Harbor wake and speed limits to be strictly enforced for all other powered vessels in recreational boating areas.

- Harbor regulatory management would be the cooperative responsibility of DEP, the Harbormaster, and Coast Guard.
- City and state coordinated review of yearly Chapter 91 section 9A permits.
- Channel interpretive water trail facilities (landings, vessel berthing) and interpretive elements (signage, floating markers) for self-guided or concession excursion tours that include all basins.
- Berthing areas for medium-sized visiting historic, educational and cultural vessels in Hub of the Channel Basin (subject to approximately 26-foot low-tide clearance at the Evelyn Moakley and Northern Ave. Bridges).
- Identification and protection of areas of environmental and water quality sensitivity and improvement. These areas would be marked on charts of the Channel and noted by signs along the shoreline bulkhead. Included would be such locations as intake structures and CSOs, as well as CA/T Project and Transitway tunnel zones.

Specific Recommended Actions

In order to achieve these activation objectives, the following actions are recommended:

1. Preparation of a technical definition and use plan for seeking exemptions to or modifying the limits of the Harbor Line which currently coincides with the seawall and wharf line along the edge of the Channel as described in the proposed Municipal Harbor Plan for the Hub of the Channel Basin and Seawall Basin. The City and BRA would be responsible for initiating legislative proceedings. The Fort Point Channel Harbor Line exemptions/modifications would be specific to the basins as shown in **Figure 7.4**. The Harbor Line exemptions/modifications would allow for approved public water-dependent watersheet uses and would not exceed 100 feet from the shoreline, to insure adequate fairways and vessel navigation space.

2. Guidelines and assigned management/maintenance responsibilities for all public water-based floats and facilities.

3. Preparation of a Fort Point Channel navigation and public realm chart for use by water and land visitors with a description of rules of the road (watersheet/boaters guide).

4. Water quality improvement and monitoring program to be coordinated with

appropriate public and private entities.

5. Educational programs to be coordinated with Channel institutions, the Boston Public Schools system, and community-based interpretive programs.

7.2.3. Watersheet Private Uses (Figure 7.4)

Component Descriptions

There is also a set of watersheet uses that would be permitted as privately operated or maintained services for public use. However, such uses as houseboats, offices, or restaurants, and long-term marina slip rentals should be excluded because they effectively privatize the watersheet. The implementation plan would include such privately maintained or operated water-dependent use elements as:

- Water intake clear zones for water-dependent businesses to avoid impacts including sediment and turbidity for such businesses as Hook Lobster, Neptune Marine Services, and the Gillette Company. (Locations and watersheet areas to be coordinated with water-dependent businesses.)
- Water-dependent business vessel access areas for such businesses as Hook Lobster, Neptune Marine Services, Gillette, Boston Tea Party Ship & Museum. (Locations to be coordinated with water-dependent businesses.)
- Floating concession locations for designated water-dependent uses that would be privately operated and maintained, such as boat rentals, fishing support, museum-related activities, and other permitted activities.
- Small boat rental concessions and rowing clubs would be located in the Seawall Basin with such uses allowed upstream of the Congress Street Bridge.

    - Designated recreational boating areas/concessions would be limited to nonpowered, self-propelled small vessels such as kayaks, rowing boats, canoes, sailing dinghies, paddleboats, etc.
    - Concessions for small boats that can be capsized (sail, canoe, kayak, etc.) would be contingent on water quality and regular monitoring. Small boat safety and rescue would be the responsibility of the respective small boat concessions or rowing clubs.

- Marina slip locations for transient vessel rental use, privately maintained and operated for public use.
- Marina slip locations for seasonal charter vessel rental use, privately maintained and operated for public use.
- Locations for pump-out facilities and other supporting uses for marinas and visiting vessels.
- Berthing locations for visiting historical vessels, floating educational classrooms, and cultural vessels.
- Berthing and tie-up locations for short term private small vessel docking with specified time limits to allow for visits to restaurants, museums, shops and other Channel edge activities. These locations would be privately maintained and operated for public use on first-come, first-served basis.

Specific Recommended Actions

In order to achieve these activation objectives, the following actions should be undertaken:

1. Definition of water-dependent business use protection and access areas, including water intake/discharge sites and vessel access points (for existing businesses including Gillette, Hook Lobster, Neptune Marine Services and the Boston Tea Party Ship &Museum, and for any potential future water-dependent business sites) **Figure 7.4**.

2. Marina slip and berthing management guidelines with owner agreements to define and limit slip rental duration, and to encourage the maximum amount of turnover, activation, and public access.

3. Watersheet concession management guidelines and agreements.

7.2.4. Watersheet Public Access (Figure 7.2)

Component Descriptions

Provision of maximum types and amount of access to the watersheet at the earliest possible date is critical to the activation objectives. During CA/T Project and MBTA Transitway construction periods, watersheet activation of and access to the Hub of the Channel and Seawall Basins have been severely limited. With major tunnel and restoration projects coming to an end during the next 12 months, many opportunities will open up to accelerate the activation programs. Watersheet access includes such components as on-water definition of waterways and use areas, and ramp locations for pedestrian/equipment access from the Harborwalk and street level to the water uses. Primary vertical access facilities will need to meet state and federal access regulations. The priority components of the watersheet public access implementation plan would include the following initiatives:

- Navigable Federal Channel boundary assessment and proposed modifications to meet current navigation needs.
- Channel and basin specific guidelines and "rules of the road" to conform to current *Boston Harbor Mooring and Operating Regulations.*
- Definition of related new fairways by basin and use guidelines to conform to current *Boston Harbor Mooring and Operating Regulations*. Included would be the definition of a central fairway in the Seawall Basin connecting from the end of the Federal channel at the Summer Street Bridge to the Gillette as shown in **Figure 7.2**.
- Plan and process for removal of navigation hazards and debris including obsolete utility lines and sunken vessels, pile fields, debris and other obstacles.
- Water transportation management guidelines and agreements for water transit terminals, water taxi, and public landing area locations (based on the *BIHPWTP* as applicable under current conditions).
- Public dock management guidelines and agreements for short term, touch–and-go public landings for visiting small boats, and public berth locations for dinghy tie-up.
- Public floating walkway management guidelines and construction responsibilities for watersheet locations and vertical access ramps.

Specific Recommended Actions

In order to achieve these activation objectives, the following actions should be undertaken:

1. Federal Channel assessment and redefinition to rationalize the width and linear continuity for optimal use of the watersheet. The City, the BRA and Harbormaster should initiate the process of discussing refinements with the Army Corps of Engineers jointly, after completion of a user needs analysis and proposed refinements.

The current channel is over-wide and irregular, particularly in the Hub of the Channel Basin, and is discontinuous in the Seawall Basin. Research is required on current federal jurisdiction if any, and a layout plan for a new channel consistent with other watersheet use designations. While the historic shipping interests are no longer active because of the bridge limitations and channel edge uses, there are periodic demands for barge access to water-dependent businesses, including Gillette, and for periodic construction projects.

2. An implementation plan for phased public passenger water transportation service on completion of the new ferry landing at 500 Atlantic to include weekday commuter service and off-peak and seasonal harbor loop service. Plans will need to be consistent with the MBTA's Inner Harbor shuttle services, the City's *Boston Inner Harbor Passenger Water Transportation Plan of 2000*, and the 2003 EOTC report, *Water Transportation Planning for Eastern Massachusetts.* Possible scheduled water shuttle services for the new 500 Atlantic Avenue (referred to in many studies as "Russia Wharf/500 Atlantic") terminal that have been identified in these and other feasibility studies include:

- 500 Atlantic Avenue to North Station;
- 500 Atlantic Avenue to Charlestown Navy Yard commuter shuttle;
- 500 Atlantic Avenue to Lewis Mall/E. Boston commuter shuttle;
- 500 Atlantic Avenue to Logan Airport shuttle;
- Inner Harbor off-peak loop service with stop at Russia/500 Atlantic (would include shuttle to Boston Harbor Islands National Park Area ferry gateway at Long Wharf); and
- Inner Harbor Cultural Loop linking major cultural institutions, parks and visitor destinations with stop at 500 Atlantic Avenue and Children's Wharf.

3. Implementation plan for water taxi docks and public landings consistent with the *Fort Point Channel Watersheet Activation Plan* and the *Boston Inner Harbor Passenger Water Transportation Plan of 2000.* The plan should include management agreements, landing rights and locations for water taxi service and public landings.

4. Watersheet Clean-up Management and Maintenance Plan to include survey, plans and permits (city and state) for removal of navigational hazards and debris.

7.2.5. Landside Public Realm Uses (Figure 7.5)

Component Descriptions

The landside public realm uses generally support many of the watersheet activation objectives by providing visual and physical access to the Channel and by accommodating the pedestrian needs. The broad array of public realm features is described in **Section 9** on open space. However, there are several landside components that will require specific guidelines and management attention in support of watersheet uses. The implementation plan for specific landside public realm areas and facilities for support of watersheet activation would include such elements as:

- Water transit landside support including ticketing, information, waiting and maintenance storage.
- Water taxi landside support including information, call box, etc.
- Public transient boating facility support facilities.

- Watersheet access locations, including linear floating Harborwalk access.
- Public safety stations including life preservers, ladders, information, etc.
- Watersheet performance and exhibit area locations.
- Fishing platform/overlook locations and guidelines.
- Viewing platform/overlook locations and guidelines.
- Harborwalk continuity guidelines (specific missing links – 470 Atlantic Avenue to the Evelyn Moakley Bridge, Hook Lobster, 303 Congress Street to Summer Street, Summer Street to Gillette Harborwalk, etc.).

Public restroom locations near dock access. Specific Recommended Actions

In order to achieve these activation objectives the following actions should be undertaken:

1. Harborwalk plan for watersheet access locations and specific support facility needs, including public restrooms, or guideline modifications to insure optimal watersheet activation.

2. Bulkhead modification guidelines for platform extensions (pile supported or cantilever) to accommodate ramps, overlooks, fishing areas, etc.

7.2.6. Landside Private Uses (Figure 7.6)

Component Descriptions

As with the public uses, the specific private landside uses related to access and support of watersheet activation may require particular guidelines and management steps. The implementation plan for landside private uses would include the following elements. The illustrative plan for landside private uses is combined with plan for the watersheet private uses in **Figure 7.6**.

- Pushcart concession area guidelines relative to dock access points (for food, arts and crafts, souvenirs, etc.).
- Excursion vessel, interpretive trails, and bus tour transportation kiosks.
- Managing limits of "for pay" entertainment and food venues for paid admission.
- Public pay phones proximate to dock access.
- Charter or excursion vessel information and ticketing proximate to dock locations.
- Potential rental kiosks for small boats.

Specific Recommended Actions

In order to achieve these activation objectives the following actions should be undertaken:

1. Pushcart and market plan and concession management and license agreements need to be coordinated with dock locations and access paths; management agreements with appropriate public and private entities.

2. Plan needs to be prepared for private watersheet activity vendor locations, service requirements and support facility needs. Management and maintenance agreements are needed with appropriate private landowners proximate to dock sites.

3. Harborwalk design guidelines need to be applied to the specific private vendor sites. A comparable example is the BRA management of the Harborwalk segment along Old

Atlantic Avenue at the new Long Wharf shuttle terminal that includes a variety of pushcarts, visitor concession information kiosks, and The Wall street furniture installations.

7.2.7. Landside Public Access (Figure 7.2):

Component Descriptions

The landside public access to specific watersheet activities and uses will similarly require planning guidelines and management steps. The landside locations of watersheet access points have been outlined in the *Fort Point Channel Watersheet Activation Plan*. The implementation plan for use specific landside public access components for support of watersheet activation would include such elements as:

- Complete and open Harborwalk pedestrian loops around basin areas at the earliest possible date. Although future plans include such essential channel edge loops, there are no complete pedestrian loop segments open at present.
- Designate, articulate and mark key pedestrian gateways and approaches including (east to west) 1) Northern Avenue Bridge/Old Northern Avenue, 2) Evelyn Moakley/New Northern Avenue, 3) 500 Atlantic Avenue/CA/T Project Public Accessway, 4) Congress Street Bridge/Congress Street, 5) Summer Street Bridge/Summer Street, 6) Dorchester Avenue, and 7) Broadway Bridge.
- Designate, articulate and mark key auto approach gateways and parking areas.
- Articulate and mark key public transit approaches and gateways including specific bus stops and water transit in Fort Point Channel and immediately adjacent Fan Pier and Rowes Wharf.
- Identify private transit approaches and drop-off areas by basin and street (Summer St., Congress St., Dorchester Ave).
- Preserve city street view corridors at the Channel edge.
- Preserve and enhance bridge view corridors.

Specific Recommended Actions

In order to achieve these activation objectives, the proposed Watersheet Management Plan should include the development of:

1. Harborwalk Missing Link Plans, including design, permitting, construction and maintenance agreements for missing Harborwalk links to provide horizontal continuity. Sites would include the 470 Atlantic/Evelyn Moakley Bridge connection, a Harborwalk segment landward of Hook Lobster, and enhanced crosswalks at Congress Street and Summer Street to Dorchester Avenue and at Congress Street at the Children's Museum. The CA/T Project is preparing the sidewalk/curb-cut plan will be developed in coordination with the CA/T Project Surface Restoration contracts for the perimeter of the Hook Lobster site. This will be a landside substitute for a waterfront Harborwalk of this water-dependent industrial business. Harborwalk improvements are the responsibility of the property owner subject to regulatory conditions. Crosswalk improvements would include combinations of re-striping, signalization, and sidewalk neck-downs.

2. Harborwalk Loop Continuity Plans, including permitting, construction and maintenance agreements for a sequence of basin-specific pedestrian loops including: 1) Old Northern Avenue Bridge to Evelyn Moakley Bridge, 2) Evelyn Moakley Bridge to Congress Street Bridge, 3) Congress Street Bridge to Summer Street Bridge, 4) Summer Street Bridge to

Dorchester Avenue Bridge, 5) Dorchester Avenue Bridge around the South Bay Urban Industrial Wild, 6) 303 Congress Street to Summer Street, and 7) Summer Street to Gillette Harborwalk. Many of these items have been initiated by the CA/T Project, including the permitting, and maintenance agreements.

3. Annual Channel Access Plan, including a digital plan to define Channel landside and waterside access opportunities on an annual basis that could be distributed at transit stations, hotels, restaurants and other public gathering places. Enlargements of such plans could also be located as directional and orientation signs along the Harborwalk.

7.3. Watersheet Management Policy and Plan

The watersheet management planning and related implementation policies are intended to correspond to and expand on the principles included in the *Fort Point Channel Watersheet Activation Plan*. Jurisdictional responsibilities need to be defined for project initiation as well as for ongoing management of proposed activation programs. For example, on the waterside, responsibilities for such elements as watersheet navigation, dock management, public recreation concessions, and art-in-the-water exhibits (temporary, moveable, bottom-anchored barges) should be defined and assigned to appropriate public and private entities best equipped for their implementation and ongoing management. On the landside, management and maintenance responsibilities will include such activities as dock management and security, performance venue management, and Harborwalk security and maintenance. The management responsibilities may be viewed in terms of layers of overlapping public and private implementation actions and ongoing coordination activities. The management responsibilities are described in terms of three elements:

- Public Sector, including all applicable city, federal, and state mandates;
- Private Sector, including individual private property ownership (such as Federal Reserve, Russia Wharf, Children's Museum and Boston Tea Party Ship & Museum, and Fort Point Channel Abutters Group).
- Public/Private Sector (non-profit, public/private) collaborative management and planning entities, including the proposed Friends of the Fort Point Channel, the Fort Point Channel Operations Board, and the residents and artists community).

7.3.1. Potential Management Entities

Public Sector

The broad Public Sector management responsibilities of entities require coordination of regulatory and funding actions for new watersheet projects by the City of Boston, and Commonwealth of Massachusetts including permitting and approvals for new structures and uses (Chapter 91, Article 80, Boston Water and Sewer Commission, etc.). Public sector management responsibilities will also include ongoing public services such as the U.S. Coast Guard and Homeland Security Agency, fire and public safety, and emergency response services. Of the city agencies, the Boston Redevelopment Authority will continue to play a central role in the planning and design review of new Channel projects as they evolve, as well as defined management participation.

Private Sector

The more site specific Private Sector responsibilities will include individual owners' and/or

lessees' assumed roles for managing the public realm on and adjacent to their properties including the Harborwalk, vessel landings and slips, sidewalks, and in some cases open space (such as the Children's Wharf Park). Many of these responsibilities are or will be included in terms of permits and licenses granted by the City and Commonwealth. Channel property owners will also have a defined role in umbrella public/private management activities. Other responsibilities may need to be forged as the watersheet activation and phases of development proceed.

Non-Profit, Public/Private Entities

The new public/private responsibilities for the Channel area will be defined based on the final configuration of management entities developed for the Fort Point Channel public realm. While the charge of this Municipal Harbor Plan is limited to certain geographical portions of the Channel, these public/private management entities may need to be capable of expanding in size and scope as additional projects and east side sections of the Channel are completed. The two entities described so far include the already active Fort Point Channel Abutters Group (FPCAG) and the proposed but not yet chartered Friends of the Fort Point Channel (FFPC). Coordination will be needed with other established entities such as the Artery Business Committee, as well as the Fort Point community and Fort Point Artists Community (FPAC) organizations.
In addition to these entities, a new Fort Point Channel Operations Board has been proposed to provide project implementation and ongoing management services for watersheet activation projects. Modeled after such public/private entities as the Rowes Wharf Operations Board and the Long Wharf Management Board, the proposed Operations Board will have a representative of the property owners, the City, and the Commonwealth. It may need staff to take on day to day fiscal and management responsibilities to oversee coordination of watersheet projects from inception through construction and maintenance. The Operations Board would work closely with the Friends Group, providing the implementation capacity to complement the Friends' planning, programming and promotional activities.

7.3.2. Watersheet Management Plan and Responsibilities

The watersheet elements of the Watersheet Management Plan need to be addressed in terms of assigning responsibilities to appropriate public, private, and non-profit, public/private sector entities. In addition to the mandated public sector responsibilities, the proposed Channel-based stakeholder managing and implementation entities including the Abutters Group (FPCAG), the proposed Friends of the Fort Point Channel (FFPC) and the potential Fort Point Channel Operations Group (FPCOG) would all have prescribed assignments, as would individual stakeholder entities. The elements will need to be divided into adjacent property specific and general watersheet public realm type responsibilities. Suggested management components and responsibilities include Channel-wide and Basin-specific components, limited to those within the Municipal Harbor Plan Phase 2 area.

Channel-wide Management Elements

- Channel Security and Navigation Supervision: Boston Harbormaster assisted by individual dock masters.
- Arts Programs: FFPC and Operations Group with Fort Point Artists Community (FPAC).
- Channel water quality monitoring: City Environment Department.

- Channel Maintenance and Cleanup: Adjacent property owners and City Environment Department.
- Water Transportation: Various entities including MBTA, private operators and water taxi operators.

    - Boat Rental Concessions: Property owners/abutters with approval of FFPC.

- Special Water Events: FFPC, Operations Board and Abutters with city and State Approvals

Basin Specific Management Elements (not included in Channel-wide)

1. **Hub of the Channel:** Major responsibilities will be assumed by to the abutting properties in terms of maintenance and supervision of the Harborwalk, open space and related adjacent watersheet facilities. Many of these responsibilities will be defined in the Chapter 91 and city permits and licenses. Other emerging responsibilities may need to be assigned through the cooperative FFPC and Operations Board actions.

- Ferry Landing Dock Management: MBTA and owners of 500 Atlantic Avenue.
- Water Taxi Landings: Property abutters/owners including Russia Wharf, Children's Museum, etc.
- Floating Harborwalk: Abutters.
- Boat Slips and Wharfage: Property owners/abutters.

2. **Seawall Basin:** As with the Hub of the Channel Basin, major responsibilities will be assigned to the abutting properties in terms of maintenance and supervision of the Harborwalk, open space and related adjacent watersheet facilities. However, since the redevelopment of the USPS site may take some time, there may need to be interim management agreements, particularly for the actual watersheet activities. Many of the longer-term responsibilities will eventually be defined in the Chapter 91 and city permits and licenses. Cooperative agreements will also be critical with the property owners on the east side of the Channel outside this MHP area, to insure full realization of the watersheet activation plan. It is suggested that the non-profit, public/private entities include the east side interests at such time as the new private development occurs. Other ongoing emerging responsibilities may need to be assigned through the cooperative FFPC and Operations Board actions.

- Water Taxi Landings: Property abutters/owners including Post Office property.
- Small Boat Concessions and Clubs/Programs: Boating entities managed with Harbormaster approval.
- Interpretive trail implementation and maintenance.
- Public and performing arts program implementation, promotion and management.
-

3. **South Bay Urban Industrial Wild:** The head of the Channel area may require a different combination of management strategies because of the absence of abutting private or public property uses using the watersheet. Management elements will include:

- Interpretive trail implementation and maintenance
- Boat landing maintenance and supervision
- Harborwalk, South Bay Trail and open space maintenance and supervision

7.3.3. Landside Public Realm Management Plan and Responsibilities:

The landside components of the management plan will also need to be addressed in terms of assigning responsibilities to appropriate public, private and non-profit, public/private sector entities.

Transportation and Access Elements

Phased implementation of the transportation components includes coordination with various public agencies as well as with the individual property owners to insure optimum access to the Channel. The Friends Group and Operations Board will need to advocate for and assist in the implementation of the landside access improvements. Pedestrian access will require implementation of missing Harborwalk segments and completion of basin loops to be coordinated by the BRA with public and private property owners. Ground transportation will need to be coordinated with BTD and MBTA for the street level improvements, and with private carriers for trolley and taxi curb areas. The City will be responsible for managing the improvements to Congress Street and Northern Avenue Bridges.

Performance Infrastructure Elements

The Friends Group and Operations Board will need to program and assist in the implementation of the public performance and art infrastructure on the landside. The management groups will need to coordinate with private property owners on special events and scheduling of activities for maximum impact.

Concession Elements

Phased implementation of land and water concessions will need to be coordinated by the Friends Group and Operations Board. Harborwalk vendor locations and management will need to be coordinated between the City, the Operations Board, and individual property owners to optimize the mix and quality of such concessions.

Seasonal Program Elements

The staging of seasonal programs and festivals to attract the public to the Channel will be an important responsibility of the Friends Group as planners and programmers.

7.4. Recommended Watersheet Implementation Phasing Plan

The watersheet use and management plans include a phased implementation program. The implementation plan assigns responsibilities for including the Operations Board and the Friends Group, as well as other stakeholders including relevant public and private management entities. The plan incorporates coordination mechanisms for joint decisions and action. Agreements that may be needed between public and private groups will also be identified. Permits and regulatory actions that may be required should also be identified. The implementation plan assigns responsibilities and target schedules in three phases:

Phase I- Immediate Actions, (2003-04 or year 1 after MHP is approved)
Phase II- Short Range Actions, (2004-2005 or years 2-3 after MHP is approved)
Phase III - Mid- term Actions. (2006-2010 or years 4-7 after MHP is approved)

Existing Public Realm and Watersheet elements serve as the base for proposed phased enhancements. For example, the current Harborwalk segments complete and open to the public include the following:

- Children's Wharf Harborwalk segment from Congress Street Bridge.
- Congress Street to Summer Street eastside Channel Harborwalk segment.

The current Harbor Line is located coincident with the seawall except for locations where public and private property initiatives have received legislative exemptions. These current exemptions include the 500 Atlantic Avenue water transit terminal site to be built by the CA/T project, the Museum Wharf frontage, and the Boston Tea Party Ship & Museum expansion site.

7.4.1. Phase I- Immediate Actions (2003-04 or year 1 after MHP approval)

The immediate actions include those outlined in the *FPCWAP* and are planned for implementation during the year following approval of the Phase 2 MHP.

- MHP Phase 2 submitted and approved.
- Friends of Ft. Point Channel (FFPC) chartered with watersheet activation responsibilities such as planning, programming and promotion.
- Fort Point Channel Operations Board (FPCOB) chartered with complementary watersheet activation responsibilities such as project implementation, management and oversight.
- Harbor Line exemptions/modifications defined and legislation initiated.
- Channel refinements and additions defined and fairways designated.
- Navigation markers/aids planned and implemented including channels, fairways and water industry protection zones.
- Silver Line tunnel completion.
- 500 Atlantic Avenue ferry landing completed by CA/T Project; start of commuter ferry shuttle service subsidized by the CA/T Project through 2004, including Harborwalk connection to Congress Street in front of Russia Wharf.
- City plan for channel navigation clearance on Northern Avenue Bridge.
- Completion of structural segments and grade change of Harborwalk between 470 Atlantic Avenue and Congress Street.
- Completion of Harborwalk segment from Congress Street to Summer Street by Central Artery.
- Boston Tea Party Ship & Museum replacement and expansion completed.

- Potential projects:

1. Interim Harborwalk from Evelyn Moakley Bridge to Congress Street.
2. Debris and pile removal program for Hub of the Channel and Seawall Basins.
3. Fort Point Channel Festival – first annual.
4. Art Basin floating art program infrastructure project initiated.
5. Summer Street Bridge lighting plan.

7.4.2. Phase II- Short Range Actions (2004-2005 or years 2-3 after MHP approval)

The short term actions include those outlined in the Watersheet Plan, and are planned for implementation during years 2-3 following approval of the Phase 2 MHP. Much of the focus for this phase focuses on the Hub of the Channel Basin area projects.

- Completion of Children's Wharf Harborwalk and Park.
- Infill of short Harborwalk gap from 470 Atlantic to Evelyn Moakley Bridge sidewalk.
- Completion of Congress Street Bridge restoration and proposed lighting program.
- Proposed 500 Atlantic Avenue Project, including ferry-landing support.
- Proposed Russia Wharf Redevelopment Project, including the plaza, water taxi and public landing.
- Congress Street sidewalk expansion and improvements; Channel to Atlantic Avenue (north side).
- Proposed Federal Reserve Bank perimeter landscape and pedestrian walkways.
- 245 Summer Street renovation project including Summer Street sidewalk and Dorchester Avenue Harborwalk improvements.
- Completion of Seawall Basin East Harborwalk segment (connecting to South Bay Harbor Trail).
- Rose Kennedy Greenway segment completion.
- Seawall Basin recreational boating infrastructure and program.
- Cabot Cove Park by CA/T Project.
- Completion of South Bay Urban Industrial Wild Harborwalk small boat landings.

- Potential projects:

1) Interim Harborwalk along Dorchester Avenue (Post Office) from 245 Summer Street to Dorchester Ave Bridge.
2) Channel interpretive signage trail Phase I.
3) Cultural loop passenger ferry service.
4) Greenway/Channel Trolley Loop connecting the Channel with a North to South Station trolley shuttle.
5) Channel Walk West Floating Walkways and structures with universally accessible ramps to or near major street intersections.
6) Measures to make vertical ramps to land universally accessible.
7) Channel Walk East Floating Walkways and structures with universally accessible ramps to or near major street intersections.

7.4.3. Phase III - Mid Term Actions (2006-2010 or years 4-7 after MHP is approved)

The mid term actions include those outlined in the Watersheet Plan, and are planned for implementation during years 4-7 following approval of the Phase 2 MHP. Much of this phase focuses on completion of the Seawall Basin and South Bay Industrial Wild watersheet infrastructure and programs, following redevelopment of the USPS site.

- Post Office - MBTA Track Expansion redevelopment project.
- Children's Wharf floating classroom(s), water taxi landing and walkway.
- Completion of Seawall Basin West Harborwalk, and open space/plaza spaces.
- Small boat access and infrastructure completion.
- Small boat concessions and clubs/programs.
- Seawall Basin water taxi landing and development of "kneeling" vessels to clear the low bridges.
- Completion of South Bay Urban Industrial Wild Harborwalk segments.

Section Break

8 Use of Amplifications and Offsets to Implement the Fort Point Channel Watersheet Activation Plan

8.1 Introduction

MHPs promote long-term, comprehensive, and municipally based planning of harbors and other waterways areas in a manner that incorporates fully state tidelands policy objectives. One of the primary benefits associated with the state Municipal Harbor Planning process is the flexibility provided to communities to tailor the Waterways Regulations in a manner that achieves a local vision for its waterfront through the use of "amplifications" and "substitution provisions." This chapter discusses how amplifications (310 C.M.R. 23.05(2)(b)(1)-(3)) and, where appropriate, measures proposed to offset impacts associated with provisions intended to substitute for the dimensional and numerical standards applicable to nonwater dependent use projects (310 CMR 9.51, 9.52, and 9.53) (310 C.M.R.23.05(2)(c)(1)-(7) (d)) will be used to implement the FPCWAP. With Plan approval, amplifications and substitute provisions are applied by DEP in its review of Chapter 91 license applications for projects located in the harbor planning area. Chapter 8 identifies the Fort Point Channel Watersheet Activation Plan ("FPCWAP") as an amplification.

Chapter 8 also generally discusses the standards for approval of substitution provisions at 310 C.M.R. 23.05(2)(c)(1)-(7) and (d). Offsets will be identified in the future when the level of planning has advanced to a stage that identifies proposed substitute provisions in detail sufficient to support analysis of resulting adverse impacts.

8.2 Amplifications

1. A state-approved MHP brings greater flexibility to the application of numerous Waterways Requirements that are discretionary in nature by allowing municipalities to amplify or strengthen them in accordance with local conditions. When a project conforms to a state-approved MHP, DEP will adhere to the greatest reasonable extent with any guidance provided by the municipality regarding the desired application of the "amplification" to the licensing process. 310 C.M.R. 23.05(2)(b)(1)-(3).

2. The NTP requires that, at a minimum, any amplification proposed in an MHP to achieve the City's planning objectives identified in the RNTP must identify clearly the corresponding Waterways discretionary requirement to which it applies, the nature and intent of the proposed clarification, and any guidance to DEP that may be helpful with regard to future licensing decision.

3. The NTP directed the BRA to complete a planning framework that guides the City's harbor planning approach for Phases 1 and 2. The Phase 1 Plan established the framework that will guide both Phase 1 and Phase 2. The framework explains that the BRA may amplify the discretionary requirements of 310 CMR 9.00 through the Municipal Harbor Plan to better achieve its long-range vision for the Channel. The type and degree of amplification will be based on the characteristics of individual sites and other public benefits.

8.2.1 Amplification Recommendation

Water Dependent Use Zone

Regulatory Framework

One of the Waterways Regulations' requirements is that nonwater-dependent use projects provide a "reasonable" amount of land to water-dependent uses, including public access. The regulations [310 CMR 9.52(1)(a) and 9.53(2)(a)] require that a project with a water-dependent use zone (WDUZ) needs to provide at least one facility that generates water-dependent activity and a pedestrian access network [310 CMR 9.52(1)(b)] or, in Commonwealth Tidelands, exterior open space for active or passive public recreation [310 CMR 9.53(2)(b)]. An approved MHP may modify such regulatory provisions through substitutions and amplifications as well as the specification of offsets for substitutions.

The Waterways Regulations Sections 310 CMR 9.52 and 9.53 identify respectively the following facilities as means of generating water-dependent activities:

Boat landing docks and launching ramps, marinas, fishing piers, waterfront boardwalks and esplanades for public recreation; and

Ferries, cruise ships, water shuttles, public landings and swimming/ fishing areas, excursion/charter/rental docks and community sailing centers.

The WDUZ regulations' requirement to generate water-dependent activities for projects in Private and Commonwealth Tidelands are considered "discretionary" because they do not specify numeric limitations and thus allow DEP the ability to determine which project elements do or do not comply with the regulatory principle of the regulation. A MHP may include Amplifications that provide direction to DEP on how to apply such discretionary regulations.

8.2.2 The Fort Point Channel Watersheet Activation Plan, May 2002

The BRA released the final version of its FPCWAP, completing an 18-month public planning process. The FPWAP, detailed in Chapter 5 of the MHP began with basic planning principles including baseline Chapter 91 conditions

to activate the WDUZ and formed a menu of public benefits with a broader planning vision than the standard "project by project" Chapter 91 licensing review.

Recommendations of the FPCWAP

Marine Infrastructure

- Watersheet access ramps
- Public Dockage
- Channel Walks
- Small Boat Program Facility
- Public Programming Barges
- Small Vessel Launches
- Marine Operations

Infrastructure Maintenance

- Watersheet Management
- Watersheet Maintenance
- Water Quality Improvements

Water Transportation

- Water Shuttle and Taxi Facilities
- Operating Subsidies

Channel-Wide Public Programming

8.2.3 DEP's Draft Policy on Water Transportation in Boston Harbor, December 2002

In recent years, DEP has established in multiple Chapter 91 licensing determinations, such as Fan Pier, that the provision of water transportation is a baseline condition for nonwater-dependent projects meeting the requirements concerning water-dependent activity generating facilities.

In June 2002, DEP distributed its Draft Policy on Water Transportation in Boston Harbor. The policy confirms that the provision of water transportation services is a baseline means of fully meeting a project's WDUZ watersheet activation requirements under 310 CMR 9.52(1)(a) or 9.53(2)(a). The policy also includes a formula for assessing a project's contribution for transportation services and facilities based on payment amount per gross square feet and on the duration of the Chapter 91 License. The policy applies to the properties in the MHP planning area

The policy acts as an amplification to 310 CMR 9.52(1)(a) or 9.53(2)(a).

8.2.4 Implementing the FPCWAP and DEP's Draft Water Policy on Water Transportation

The BRA believes that the MHP should provide guidance for all projects with WDUZs in the Fort Point Downtown Waterfront MHP area. The BRA and the Fort Point Channel stakeholders are committed to ensuring the implementation of the *FPCWAP*, which by its very nature is a means of developing water-dependent facilities and activities that will enhance the Channel itself and make it a special water-based destination spot. Furthermore, some of the *FPCWAP* 's recommended elements may also meet the DEP's list of Water Transportation Services included in the draft Water Transportation Policy of December 2002.

The amplification recommendation is that all nonwater-dependent projects that have a WDUZ provide water transportation services and facilities, as described in the DEP Draft Water Transportation Policy, as well as contribute to the implementation of the *FPCWAP* as a baseline requirement. The allocation ratio between water transportation services and the *FPCWAP* implementation will be determined on a case-by-case basis. This approach will allow DEP to determine the appropriate allocation based on the scale, character, site conditions, and other pertinent circumstances of each license application. The BRA requests that DEP consult with the City regarding the ratio for the allocation. Water transportation services and facilities may be recommended as offsets for substitutions in addition to the baseline requirement and as the basis for an extended license term. The appropriate designation of such benefits shall be determined on a case-by-case basis under this MHP and in the context of individual Chapter 91 licenses.

Sections 5.5 of Phase I and 5.6 of Phase II state that the BRA seeks to amplify and strengthen the following discretionary requirements of the waterways regulations to promote the goals of the FPCWAP:

9.53	All nonwater-dependent use projects located on Commonwealth Tidelands (except in DPAs) must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth and that ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes.
9.53(2)	The project shall attract and maintain substantial public activity on the site on a year-round basis, through the provision of water-related public benefits of a kind and to a degree that is appropriate for the site given the nature of the project, conditions of the adjacent waterbody, and other relevant circumstances.
9.53(2)(a)	When there is a water-dependent use zone, the project must include at least a facility that promotes water-based public activity.

9.53(2)(c)	When there is a water-dependent use zone, the project shall devote interior space to facilities of public accommodation, with special consideration given to facilities that enhance the destination value of the waterfront by serving significant community needs, attracting a broad range of people, or providing innovative public amenities.
9.53(2)(d)	The project shall include a management plan for all on-site facilities offering water-related benefits to the public, to ensure that the quantity and quality of such benefits will be sustained effectively.
9.53(2)(e)	DEP may consider measures provided by the applicant to provide benefits elsewhere in the harbor or in the vicinity of the site if the water-related public benefits that can reasonably be provided on-site are not appropriate or sufficient.

The discretionary regulations that are suggested to be amplified fulfill both the policy objectives of the waterways regulations and the goals of the FPCWAP.

	Regulation	**Amplification**
9.53	All nonwater-dependent use projects located on Commonwealth Tidelands (except in DPAs) must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth and that ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes.	Provide public benefits recommended by the FPCWAP in the WDUZ and adjacent watersheet to promote public uses and enjoyment of Commonwealth tidelands.
9.53(2)	The project shall attract and maintain substantial public activity on the site on a year-round basis, through the provision of water-related public benefits of a kind and to a degree that is appropriate for the site given the nature of the project, conditions of the adjacent waterbody, and other relevant circumstances.	Provide public benefits recommended by the FPCWAP and DEP's Draft Policy on Water Transportation to attract and maintain substantial public activity on the site on a year-round basis.
9.53(2)(a)	When there is a water-dependent use zone, the project must include at least a facility that promotes water-based public activity.	Provide at least one facility that promotes water-based public activity in the water-dependent use zone as recommended by the FPCWAP
9.53(2)(c)	When there is a water-dependent use zone, the project shall devote interior space to facilities of public accommodation, with special consideration given to facilities that enhance the destination value of the waterfront by serving significant community needs, attracting a broad range of people, or providing innovative public amenities.	Devote interior space to facilities of public accommodation, with special consideration given to facilities that enhance the year-round destination value of the waterfront including restaurants by serving significant community needs, attracting a broad range of people, or providing innovative public amenities.

9.53(2)(d)	The project shall include a management plan for all on-site facilities offering water-related benefits to the public, to ensure that the quantity and quality of such benefits will be sustained effectively.	Applicants shall provide management plans for water based activities to ensure coordination with other water based activities and preclude interference with water transportation services.
9.53(2)(e)	DEP may consider measures provided by the applicant to provide benefits elsewhere in the harbor or in the vicinity of the site if the water-related public benefits that can reasonably be provided on-site are not appropriate or sufficient.	Provide public benefits recommended by the FPCWAP and DEP's Draft Policy on Water Transportation elsewhere in the Fort Point Channel if the water-related public benefits that can reasonably be provided on-site are not appropriate or sufficient

8.3 Future Use of Offsets for Potential Substitution Provisions

1. State-approved MHPs offer flexibility to the local harbor planning process in the form of substitute provisions. An MHP may include provisions for nonwater dependent use projects that are less restrictive and intended to substitute for the uniform use limitations and/or numerical standards of the Waterways Regulations as they apply to individual projects. These use provisions and dimensional requirements are found at 310 C.M.R. 9.51(3)(a)-(e), 9.52(1)(b)(1) and 9.53(2)(b)-(c).

310 C.M.R. 9.51(3)(a)-(e)

(a) New pile supported structures for non-water-dependent use;
(b) Non-water dependent facilities of private tenancy
(c) New or expanded buildings for nonwater-dependent use
(d) Ground level open space
(e) New or expanded building for nonwater-dependent use shall not exceed 55feet in height if located over the water or within 100 feet landward of the high water mark.

310 C.M.R. 9.53(2)(b)-(c).

(b) The project shall include exterior open spaces for active or passive recreation.
(c) The project shall devote interior space to facilities of public accommodation.

2. To be approved by the Secretary of Environmental Affairs, however, the MHP must ensure that proposed substitute provisions within the harbor planning area promote state tidelands policy objectives with "comparable or greater effectiveness" as set forth in 310 C.M.R. 23.05(2)(d); 310 C.M.R. 9.51(3) (DEP applies the minimum standards of the Waterways Regulations

for nonwater-dependent projects unless MHP promotes tidelands policy objectives with "comparable or greater effectiveness"). Additional standards for substitutions are set forth at 310 C.M.R. 23.05(2)(c)(1)-(7).

310 C.M.R. 23.05(2)(c)(1)-(7).

1. To ensure that development of all tidelands complies with other applicable environmental regulatory programs of the Commonwealth, and is especially protective of aquatic resources within coastal Areas of Critical Environmental Concern, as provided in 310CMR 9.32 and 9.33;
2. To preserve any rights held by the Commonwealth in trust for the public to use tidelands for lawful purposes, and to preserve any public rights of access that are associated with such use as provided in 310 CMR 9.35;
3. To preserve the availability and suitability of tidelands that are in use for water-dependent purposes, or that are reserved primarily as locations for maritime industry or other specific types of water-dependent use, as provided in 310 CMR 9.32 and 9.36;
4. To ensure that all licensed fill and structures are structurally sound and otherwise designed and built in a manner consistent with public health and safety and with responsible environmental engineering practices, especially in coastal high hazard zones and other areas subject to flooding or sea-level rise as provided in 310 CMR 9.37;
5. to ensure patronage of public recreational boating facilities by the general public and to prevent undue privatization in the patronage of private recreational boating facilities, as provided in 310 CMR9.38; and to ensure that fail and equitable methods are employed in the assignment of moorings to the general public by harbormasters, as provided in 310 CMR 9.07;
6. to ensure that marinas, boatyards and boat launching ramps are developed in a manner that is consistent with sound engineering and design principle, and include such pump-out facilities and other mitigation measures as are appropriate to avoid or minimize adverse impacts on water quality, physical processes, marine productivity, and public health as provided in 310 CMR 9.39;
7. to ensure that all dredging and disposal of dredged material is conducted in a manner that avoids unnecessary disturbance of submerged lands and otherwise avoids or minimizes adverse effects on water quality, physical processes, marine productivity, and public health, as provided in 310 CMR 9.40.

3. Further, when an MHP proposes substitute provisions, it must include other requirements (offsets), which considering area-wide effects, will mitigate or compensate for adverse effects on water-related public interests. Offsets, therefore, can only be identified when planning has advanced to a stage that identifies proposed substitute provisions and related impacts.

4. The MHP Regulations set forth standards for approving substitute provisions and offsets in the future if substitutions are requested. When an MHP proposes substitute provisions, it must include other requirements (offsets), which considering area-wide effects, will mitigate or compensate for adverse effects on water-related public interests. Specifically, the MHP must provide analysis that addresses potential negative impacts to water- (*i.e.,* tidelands-) related public interests that will result from deviations to the Waterways requirements. This analysis must identify adverse impacts to water-dependent activities or public access; evaluate the degree of impact at the ground or pedestrian level based on the character of the anticipated use(s); and specify those measures (offsets) that are proposed to mitigate identified impacts. 310 C.M.R. 23.05(2)(d). Additionally, "offsetting measures should be applied within reasonable proximity of the locus of the adverse effects that need to be offset" to avoid or minimize inequity in distribution of public benefits and detriments. 310 C.M.R. 23.05(2)(d)(2).

5 The RNTP noted that the MHP process will identify elements from the FPCWAP that could be used as baseline requirements and offsets for development in the harbor planning area. Chapter 91 allows a number of offsets, including those that promote the use of the water and activation of the watersheet. Recommendations from the FPCWAP that could be considered as offsets may be specific structures or could also take the form of assistance to Channel-wide efforts such as environmental studies, water transportation subsidies or programming for activities and special events.

6 The NTP states the MHP has to demonstrate clearly the link between the FPCWAP and the criteria for those measures proposed to offset negative impacts to state tideland policy objectives for the ground level of tidelands. The NTP goes on to state that these benefits would have to be of a quality that clearly promotes or enhances the corresponding state tidelands policy objective, relates directly to the nature of the adverse impact, and incorporates amenities that seek to enhance the destination value of the waterfront.

7 The NTP directed the BRA to complete a planning framework that guides the City's harbor planning approach for Phases 1 and 2. The Phase 1 Plan established the framework that will guide both Phase 1 and Phase 2. The framework provides:

Method(s) for quantifying impacts of substitute provisions

- Establish shadow protection zones for the watersheet and adjacent open spaces within Chapter 91 jurisdiction.

- Develop environmental assessment methods for measuring ground level impacts in order to identify appropriate level of offsets.

Criteria for offsets to ground level adverse impacts of substitute provisions

- Establish offsets that maintain or enhance a physical environment that is conducive to pedestrian and water-dependent activities on the water and the water's edge.
- Allow substitutions that can be offset by open space and water-dependent use zones in excess of Chapter 91 baseline requirements.

Offsets may be in-kind or out-of-kind or qualitative. Certain benefits effectively offset or compensate for certain impacts more than others. The hierarchy for selecting offset measures is as follows:

1. **In-Kind** in a proximate location. This approach is not applicable when its application would undercut the reasons for which the requested Substitution has been developed or which conflict with another provision of the Chapter 91 regulations.

2. **Increased performance standard** of another quantitative requirement of the Waterways Regulations. This is considered where an in-kind offset is not appropriate.

3. Qualitative measures that will effectively promote the goals of the Waterways Regulations. This approach is to be considered when neither of the quantitative offset types best serves the goals of Chapter 91.

This MHP submittal uses this hierarchy for determining offsets to compensate for any reduced effectiveness of substitute provisions in promoting the state's Tidelands Policy, including the need to foster public use of and access to the waterfront throughout the year. To the extent that the *FPCWAP* includes measures that promote the objective of the Chapter 91 regulatory provision for which a Substitution is requested and that are reasonably commensurate with the degree of adverse impact resulting from the Substitution, such measures should be considered as Offsets.

In the future, therefore, it is possible that certain activities recommended in the FPCWAP may be eligible as offsets for specific proposed substitute provisions when adverse impacts have been sufficiently identified.

Section Break

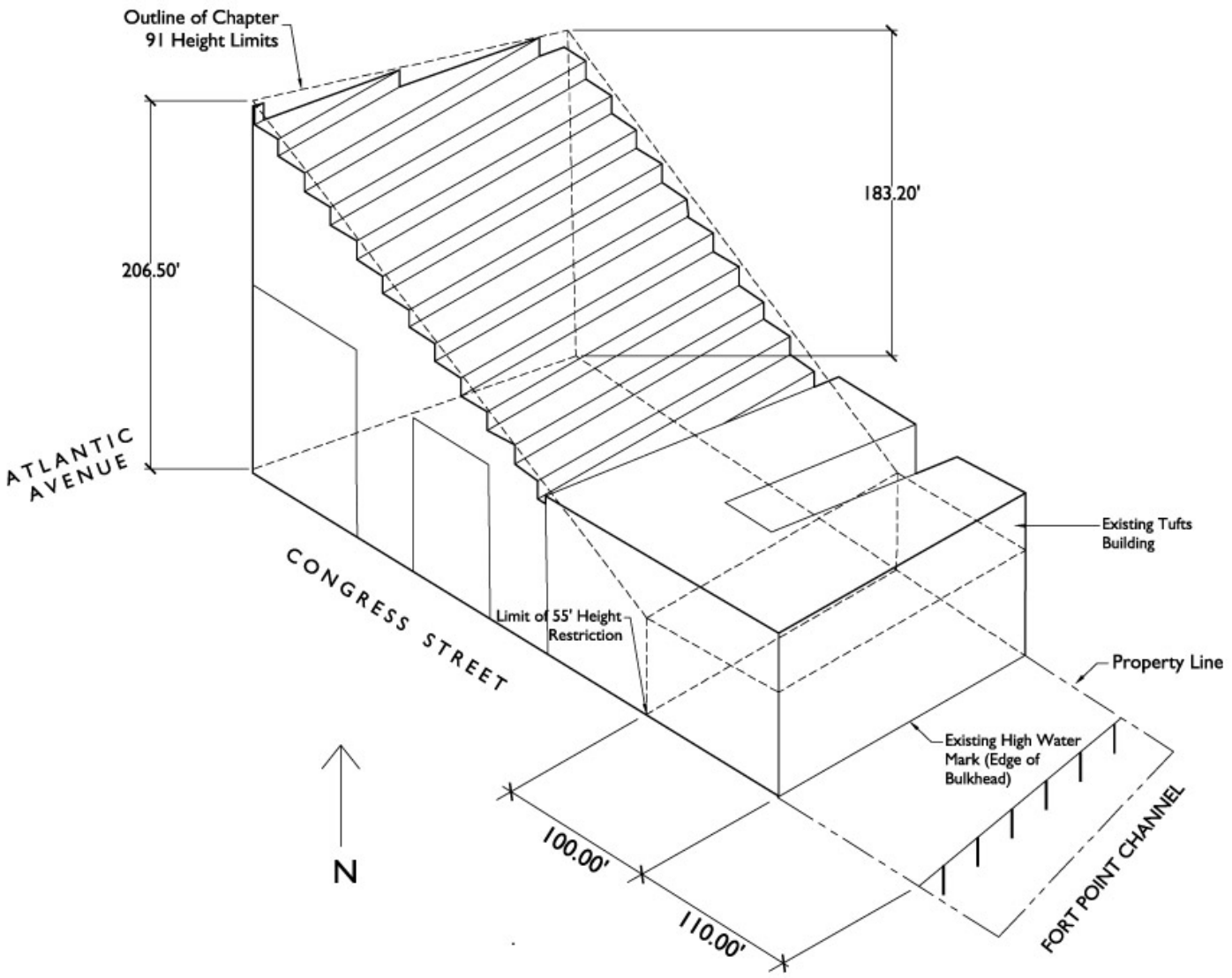


Figure 11-12

Russia Wharf

Chapter 91 Building Height Limits

Approximate Floor Area = 800,450 S.F.

Prepared by:
The Cecil Group

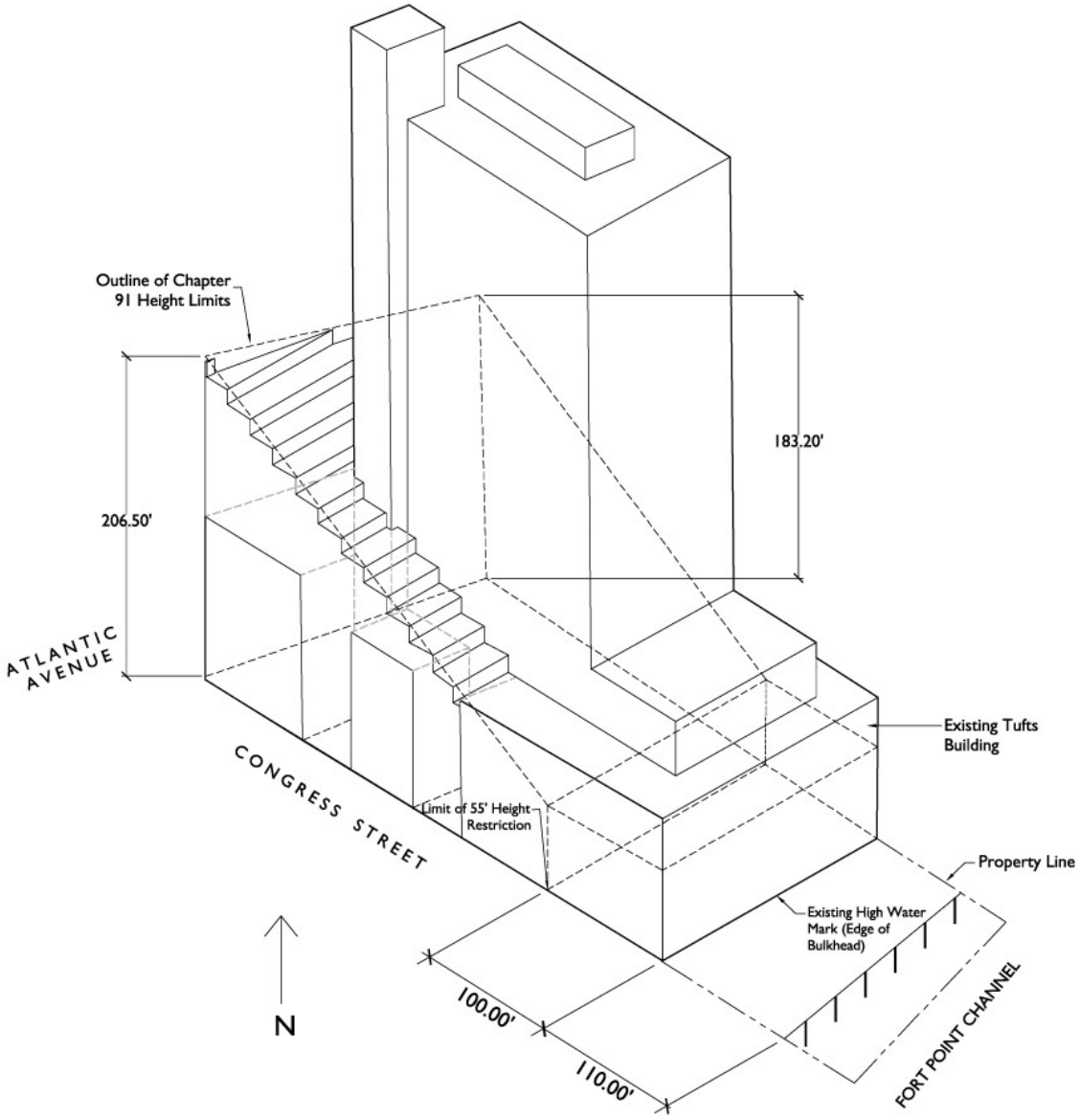


Figure 11-13

Russia Wharf

Proposed Project Diagram

Approximate Floor Area = 942,000 S.F.

Prepared by:
The Cecil Group

Section Break

10.3.6 United States Postal Service

Detailed Discussion addressing the nature, status, and planning implications of proposed South Station track expansion on the USPS parcel per comment letter from EOTC

Resolution:

The Notice to Proceed for the Fort Point Downtown Municipal Harbor Plan *states that EOEA has not supported the use of the MHP process to modify Chapter 91 dimensional and numerical requirements for non-water dependent use projects on a parcel by parcel basis unless distinct and unique circumstances apply.*

The City of Boston believes that distinct and unique circumstances apply to the USPS parcel in the planning area and are not recommending any substitutions for future private non-water-dependent development on this site.

Recognizing that track expansion is critical to the future viability of South Station and its ability to meet City, State and regional transportation needs, the Executive Office of Transportation and Construction is collaborating with the United States Postal Service to ensure that land is available for track expansion. On July 21, 2000, the Executive Office of Transportation and Construction and the United States Postal Service reached an agreement to address limited capacity at South Station by accommodating four additional tracks and associated platforms on the Postal Service site as part of its future relocation plans. The EOTC and USPS agreement identifies the potential alignment of the new tracks. The proposed diagonal alignment agreed to by EOTC and USPS is intended to accommodate direct pedestrian access at ground level from South Station to the Fort Point Channel should such a plan be agreed to by all necessary parties. The track expansion will increase capacity at South Station by over 30%.

South Station Transportation Center ("SSTC") is owned by the Massachusetts Bay Transportation Authority. SSTC is a major regional transportation terminal serving the Redline, the future Silverline/South Boston Transitway, commuter rail for all services south and west of Boston, Amtrak northeast service and commuter and long distances buses.

SSTC is an *Infrastructure Facility* as described in 310 CMR 9.02. The proposed South Station track expansion plans may be defined as a *Public Service Project* as described in 310 CMR 9.02.

The City of Boston anticipates track expansion to be a non water-dependent use project consisting entirely of infrastructure facilities that meet the proper public purpose requirements of 310 CMR 9.31 without the need to tailor the waterways regulations through a municipal harbor plan 310 CMR 9.34.

The City of Boston submitted its Request for Notice to Proceed ("RNTP") for the Fort Point Downtown Waterfront Municipal Harbor Plan in September 2001 with the recommendation of developing a phased municipal harbor planning process. The RNTP identifies a distinct set of planning challenges for the USPS in comparison to the other parcels in the planning area.

- The Postal Annex property is approximately 16 acres, over 1/3 of the harbor planning area;

- The Postal Annex parcel is isolated from the Fort Point Downtown area by South Station on the west and the Fort Point Channel on the east and south.

- The Postal Annex parcel is not integrated into the urban fabric of the Fort Point Downtown planning area, lacking connecting blocks and public vehicular and pedestrian links to South Station and the Fort Point Downtown area.

- The Postal Annex parcel lacks up-to-date city planning guidelines and policies

- The city of Boston intends to conduct a master planning process to develop, <u>through community participation:</u>

    - Connections to South Station and other forms of public access;
    - Open space;
    - Appropriate heights;
    - A street and block plan; and
    - Urban design guidelines.

- City master planning typically precedes harbor planning including efforts in the following neighborhoods: East Boston, South Boston, Charleston Navy Yard and the Fort Point District.

The Notice to Proceed ("NTP") required that the city complete harbor planning for the Fort Point Downtown in two phases. The NTP required that Phase I develop a consistent planning framework that guide planning decisions in both phases. The Fort Point Downtown Municipal Harbor Plan Phase I, approved in October 2002 provides the planning framework for the entire planning are as it relates to:

- Orientation and type of public open spaces;
- Minimum standards for aggregate open space and water-dependent use zones;
- Building heights and massing;
- Method(s) for quantifying impacts of substitute provisions;
- Criteria for offsets to ground level adverse impacts of substitute provisions;
- Amplifications.

The NTP also required that a *detailed discussion addressing the nature, status, and planning implications of proposed South Station expansion per comment letter from EOTC is provide in Phase II.*

During the planning process for Phase II, the BRA invited the MBTA to present South Station track expansion planning. Also, the MBTA is represented through EOTC on the Municipal Harbor Planning Advisory Committee. On February 19 2003 Dan Breen of the MBTA provided a joint presentation with the USPS.

Figure 10-4 identifies the proposed MBTA New Track Zone. Mr. Breen stated that the presentation addressed the extension of track length and the addition of tracks necessary to expand on all traditional rail lines and increase capacity at South Station by over thirty percent.

The USPS presented an estimated schedule for relocation and completion of track expansion. The schedule estimates that the post office would move to a new facility by mid 2007 and allow for track expansion construction to begin in 2007 and to be completed by 2009.

The July 21, 2000 agreement between the Executive Office of Transportation and Construction and the United States Postal Service states that complex and cooperative planning efforts will continue before any binding agreements are reached. The City will continue to work with these parties to forward the plans for South Station expansion.

Section Break

10.3.5. 245 Summer Street

The former Stone & Webster Building, currently owned by Pembroke Realty, an affiliate of Fidelity Investments, is located on the south side of Summer Street between South Station and the Fort Point Channel. It has been and will continue to be used as a commercial office building. Pembroke Realty is proposing improvements to the first floor retail space as well as the creation of an improved connection to South Station. One means of accomplishing these goals under consideration is the incorporation of the existing colonnade into the building, and perhaps adding glass panels along the Summer Street edge of the colonnade to offer greater protection against inclement weather. Pembroke Realty would like to have destination type retail uses on the first floor, such as restaurants and a food court that will invite the public into the building and down to the Fort Point Channel.

The FPCWAP recommends uses including restaurants to activate building edges along the Fort Point Channel. Many existing buildings locate their "back of house uses" including loading docks and trash storage on the Channel side of the buildings, a product of the Channel's past reputation as inaccessible and polluted. One on the goals of the FPCWAP is to redesign existing buildings to front the Channel. The FPCWAP identifies 245 Summer Street/Summer Street sidewalk as a potential location for a future access point down to the subway platforms at South Station.

Future development of an area devoted to public open space along the portion of the building adjacent to Fort Point Channel is contemplated to coincide with fit-out of a restaurant at the eastern side of the building. The 245 Summer Street property does not have a water-depend use zone as measured by the Waterways Regulations. The USPS controls the land (formally Dorchester Avenue) in between the building and the Channel. Preliminary planning discussions for activating the USPS property have suggested reopening Dorchester Avenue for vehicular and pedestrian access. Although there appears to be no water-dependent use zone controlled by Pembroke Realty, they have been very active in the City's watersheet activation planning effort. The City welcomes the renewed interest in the building and urges the owner to work with South Station to create more direct and accessible connections to the station platforms and concourse.

No Chapter 91 license currently exists for this building. The new owners may need to apply to DEP for a license or file a Determination of Applicability to determine the extent of Chapter 91 jurisdiction. **Figure 10.8** shows a conceptual Chapter 91 compliant build-out for the property.

Pembroke Realty have stated that the building is not subject to Chapter 91.